

**FINAIN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JAMES MOSLEY,
Plaintiff,

v.

TEN PENN CENTER, *et al.*,
Defendants.

:
:
:
:
:
:
:

CIVIL ACTION NO. 23-CV-0813

ORDER

AND NOW, this 28th day of April, 2023, upon consideration of Plaintiff James Mosley's Motion for Leave to Proceed *In Forma Pauperis* (ECF No. 1) and his *pro se* Complaint (ECF No. 2), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED**.
2. The Complaint is **DEEMED** filed.
3. For the reasons stated in the Court's Memorandum, the Complaint is

DISMISSED as follows:

- a. Mosley's claims brought pursuant to 42 U.S.C. § 1983 are **DISMISSED WITH PREJUDICE** for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii); and
- b. Mosley's state law claims are **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction, and he may pursue those claims in the appropriate state court.
4. The Clerk of Court is **DIRECTED** to close this case.

BY THE COURT:

/s/ Gerald J. Pappert
GERALD J. PAPPERT, J.